



Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.

4. Defendant Mulholland is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
5. Defendant Mulholland is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
6. Defendant Mulholland is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
7. Defendant Mulholland admits that he has been employed as a corrections officer for Penobscot County at different points in time. Defendant is without sufficient knowledge to admit or deny the additional facts in that paragraph and therefore denies the same and demands strict proof thereof. To the extent that some of the allegations constitute conclusions of law, they require no answer but to the extent that they do, the allegations are denied.
8. Defendant Mulholland is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in this Paragraph of the

Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.

9. Defendant Mulholland is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.

WHEREFORE, Defendant Mulholland demands that the Plaintiff's Complaint be dismissed with prejudice, and that Defendant Mulholland be awarded his costs.

### **Facts**

10. Defendant Mulholland is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
11. Defendant Mulholland admits that William Mulholland was employed as a corrections officer at the Penobscot County Jail at specific times. Defendant Mulholland is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in the remaining allegations of this Paragraph of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
12. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
13. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
14. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

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15. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
16. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
17. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
18. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

WHEREFORE, Defendant Mulholland demands that the Plaintiff's Complaint be dismissed with prejudice, and that Defendant Mulholland be awarded his costs.

**Count I**  
**(Fourth, Fifth, and Eighth Amendment Violations)**

19. Defendant Mulholland repeats and reaffirms the responses to Paragraphs 1 through 18 with the same force and effect as if more fully set forth herein.
20. Defendant Mulholland is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.
21. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
22. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
23. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
24. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
25. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

WHEREFORE, Defendant Mulholland demands that the Plaintiff's Complaint be dismissed with prejudice, and that Defendant Mulholland be awarded his costs.

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**Count II**

**(Assault, False Arrest, False Imprisonment, and Invasion of Privacy)**

26. Defendant Mulholland repeats and reaffirms the responses to Paragraphs 1 through 25 with the same force and effect as if more fully set forth herein.
27. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
28. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

WHEREFORE, Defendant Mulholland demands that the Plaintiff's Complaint be dismissed with prejudice, and that Defendant Mulholland be awarded his costs.

**Count III**

**(Negligent Infliction of Emotional Distress- NIED)**

29. Defendant Mulholland repeats and reaffirms the responses to Paragraphs 1 through 28 with the same force and effect as if more fully set forth herein.
30. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
31. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

WHEREFORE, Defendant Mulholland demands that the Plaintiff's Complaint be dismissed with prejudice, and that Defendant Mulholland be awarded his costs.

**Count IV**

**(Conspiracy Under 42 U.S.C. §1985(3))**

32. Defendant Mulholland repeats and reaffirms the responses to Paragraphs 1 through 31 with the same force and effect as if more fully set forth herein.
33. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

WHEREFORE, Defendant Mulholland demands that the Plaintiff's Complaint be

dismissed with prejudice, and that Defendant Mulholland be awarded his costs.

**Count V**  
**(Conspiracy to Violate Civil Rights Under 42 U.S.C. § 1983)**

34. Defendant Mulholland repeats and reaffirms the responses to Paragraphs 1 through 33 with the same force and effect as if more fully set forth herein.

35. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

WHEREFORE, Defendant Mulholland demands that the Plaintiff's Complaint be dismissed with prejudice, and that Defendant Mulholland be awarded his costs.

**Count VI**  
**(Punitive Damages)**

36. Defendant Mulholland repeats and reaffirms the responses to Paragraphs 1 through 35 with the same force and effect as if more fully set forth herein.

37. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

38. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

WHEREFORE, Defendant Mulholland demands that the Plaintiff's Complaint be dismissed with prejudice, and that Defendant Mulholland be awarded his costs.

**Count VII**  
**(Due Process- Fourteenth Amendment to the U.S. Constitution)**

39. Defendant Mulholland repeats and reaffirms the responses to Paragraphs 1 through 38 with the same force and effect as if more fully set forth herein.

40. The allegations contained in this Paragraph of the Plaintiff's Complaint comprise a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Mulholland denies the same and demands strict proof thereof.

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- 41. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
- 42. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
- 43. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
- 44. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
- 45. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

WHEREFORE, Defendant Mulholland demands that the Plaintiff's Complaint be dismissed with prejudice, and that Defendant Mulholland be awarded his costs

**Count VIII**  
**(Maine Tort Claim Act- Assault)**

- 46. Defendant Mulholland repeats and reaffirms the responses to Paragraphs 1 through 45 with the same force and effect as if more fully set forth herein.
- 47. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
- 48. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
- 49. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

WHEREFORE, Defendant Mulholland demands that the Plaintiff's Complaint be dismissed with prejudice, and that Defendant Mulholland be awarded his costs.

**Count IX**  
**(Negligence- Maine Tort Claim Act)**

- 50. Defendant Mulholland repeats and reaffirms the responses to Paragraphs 1 through 49 with the same force and effect as if more fully set forth herein.
- 51. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.
- 52. The allegations contained in this Paragraph of the Plaintiff's Complaint are denied.

WHEREFORE, Defendant Mulholland demands that the Plaintiff's Complaint be

dismissed with prejudice, and that Defendant Mulholland be awarded his costs.

**AFFIRMATIVE DEFENSES**

1. Plaintiff's Complaint fails to state a cause of action upon which relief may be granted.

2. The claims against Defendant Mulholland are barred or limited by qualified immunity.

3. Plaintiff's damages were directly and proximately caused by the acts and/or omissions of an individual and/or entity other than Defendant Mulholland.

4. Plaintiff's damages were directly and proximately caused by a legally sufficient superseding/intervening cause.

5. Plaintiff has failed to mitigate her damages as required by law.

6. Plaintiff's claims are barred by the Prison Litigation Reform Act, 42 U.S.C. Section 1997, et. seq.

7. Plaintiff's claims are barred by her failure to comply with the provisions of the Maine Tort Claims Act, including but not limited to, the notice provisions.

8. Defendant Mulholland is entitled to immunity under the Maine Tort Claims Act.

9. Defendant Mulholland reserves the right to argue that Plaintiff has failed to mitigate her damages.

10. Plaintiff's damages were caused by her own actions and contributory fault.



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11. Defendant Mulholland adopts and incorporates by reference herein any and all affirmative defenses asserted by any of the other Defendants in this case, either previously or in the future.

DATED at Portland, Maine this 15<sup>th</sup> day of January, 2016.

/s/ Elizabeth G. Stouder

Elizabeth G. Stouder

/s/ Heidi J. Hart

Heidi J. Hart

Attorneys for Defendant

William E. Mulholland

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**CERTIFICATE OF SERVICE**

I, Elizabeth G. Stouder, attorney for Defendant William E. Mulholland, hereby certifies that the Answer and Affirmative Defenses of Defendant William E. Mulholland have been served this day on Plaintiff by filing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to all attorneys of record.

Date: January 15, 2016

/s/ Elizabeth G. Stouder

Elizabeth G. Stouder